

**RESULTS
ANNUAL TOWN MEETING
May 3, 5, 10, 12 and 17, 2010**

The meeting was televised by Amherst Community Television and shown on the government channel.

The 252nd Annual Town Meeting was called to order by the Moderator, Harrison Gregg at 7:41 p.m. There were 243 town meeting members. 122 checked in and a quorum was declared. The call and the return of the warrant were read by Town Clerk, Sandra J. Burgess.

The Town Moderator was sworn to the faithful performance of his duties. The Moderator swore in newly elected and re-elected town meeting members.

The Moderator acknowledged those who were elected and re-elected to town wide offices.

Select Board Chair Stephanie O'Keeffe made a motion that Article 16 be heard at 7:30 p.m. on May 17th, 2010. The motion was seconded and carried.

Ms. O'Keeffe made a motion that Article 15 be heard immediately following Article 16. The motion was seconded and carried.

ARTICLE 1. Reports of Boards and Committees (Select Board)

VOTED unanimously to hear those reports of Town officers, the Finance Committee, and any other Town boards or committees which are not available in written form.

Action taken on 5/3/2010.

Reports were heard from Margaret Roberts, Town Meeting Coordinating Committee; Barry Roberts, 250th Anniversary Celebration Committee. The Finance Committee report was given by Chair, Andrew Steinberg immediately prior to consideration of Article 9.

ARTICLE 2. Transfer of Funds – Unpaid Bills (Select Board)

DISMISSED [To see if the Town will, in accordance with Chapter 44, Section 64, of the Massachusetts General Laws, appropriate and transfer a sum of money to pay unpaid bills of previous years.]

Action taken on 5/3/2010.

ARTICLE 3. Optional Tax Exemptions (Select Board)

VOTED unanimously to authorize a maximum additional exemption of up to 100 percent for taxpayers qualifying for exemption under Chapter 59, Section 5, Clauses 17D, 22, 37A, or 41C of the Massachusetts General Laws.

Action taken on 5/3/2010

ARTICLE 4. Authorization for Compensating Balances (Select Board)

VOTED unanimously to accept the provisions of Chapter 44, Section 53F of the Massachusetts General Laws, which authorize the Treasurer to enter into written agreements with banking institutions pursuant to which the Treasurer agrees to maintain funds on deposit in exchange for banking services.

Action taken on 5/3/2010.

ARTICLE 5. FY 2010 Budget Amendments (Finance Committee)

- A. **VOTED unanimously** to amend the action taken under Article 22 of the 2009 Annual Town Meeting – Fiscal Year 2010 Operating Budget by increasing the appropriations and the amounts to be raised by taxation for Public Safety by \$173,000, and to meet such increased appropriation by decreasing the appropriation and the amount to be raised by taxation for General Government by \$173,000.

Action taken on 5/3/2010.

- B. **DISMISSED** [To see if the Town will amend the action taken under Article 24 of the 2009 Annual Town Meeting (Reserve Fund) and appropriate and transfer a sum of money from Free Cash in the Undesignated Fund Balance of the General Fund.]

Action taken on 5/3/2010.

ARTICLE 6. Retirement Assessment (Select Board)

VOTED to raise and appropriate \$3,190,355 for the Hampshire County Retirement System assessment.

Action taken on 5/3/2010.

(James Brissette made a motion to decrease the amount to be raised to \$3,030,837.25. In accordance with Section 7 of the Rules of Order for Town Meeting (Town of Amherst General Bylaws) town

meeting voted on the motions in descending order beginning with the largest sum. The Finance Committee motion carried and the amendment failed by default.)

ARTICLE 7. Regional Lockup Assessment (Select Board)

VOTED to raise and appropriate \$31,323 for the Hampshire County Regional Lockup Facility assessment.

Action taken on 5/3/2010.

ARTICLE 8. Amherst-Pelham Regional School District Assessment Method (Amherst-Pelham Regional School Committee)

VOTED unanimously to approve following the existing Amherst-Pelham Regional School District Agreement for allocating the total amount to be contributed by each member town of the District for Fiscal Year 2011 as required by Section VI of the Regional Agreement.

Action taken on 5/3/2010.

ARTICLE 9. FY 2011 Operating Budget (Finance Committee)

CONSERVATION & DEVELOPMENT

VOTED to raise and appropriate \$745,073 for Conservation and Development

Action taken on 5/3/2010.

PUBLIC WORKS

VOTED unanimously to raise and appropriate \$1,941,540 for Public Works.

Action taken on 5/3/2010.

PUBLIC SAFETY

VOTED unanimously to appropriate \$8,394,386 for Public Safety and that to meet such appropriation \$6,374,224 be raised by taxation and \$2,020,162 be transferred from the Ambulance Receipts Reserved for Appropriation Account.

Action taken on 5/3/2010.

At 10:06 p.m. on May 3, 2010, the meeting voted to adjourn to Wednesday, May 5, 2010 at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 189 town meeting members were checked in.



The May 5, 2010 session, adjourned from May 3, 2010, was called to order by the Town Moderator, Harrison Gregg, at 7:40 p.m. 122 town meeting members were checked in.

COMMUNITY SERVICES

VOTED to raise and appropriate \$1,474,725 for Community Services.

Action taken on 5/5/2010.

GENERAL GOVERNMENT

VOTED unanimously to appropriate \$6,037,195 for General Government, that the salary of the Moderator be fixed at \$100, that of the Select Board at \$300 each, that of the Elector under the Oliver Smith Will at \$20, and that to meet such appropriation \$5,939,379 be raised by taxation and \$97,816 be transferred from the Ambulance Receipts Reserved For Appropriation Account.

Action taken on 5/5/2010.

DEBT SERVICE

VOTED unanimously to appropriate \$1,376,755 for payment of the Town's General Fund indebtedness, and to meet such appropriation \$1,265,500 be raised by taxation, \$66,411 be appropriated and transferred from Community Preservation Fund annual revenues, and \$44,844 be appropriated from Wildwood School Roof Reserved for Debt Service Account.

Action taken on 5/5/2010.

LIBRARY SERVICES

VOTED unanimously to raise and appropriate \$1,541,736 for the Town share of the Library budget.

Action taken on 5/5/2010.

ELEMENTARY SCHOOLS

VOTED to raise and appropriate \$20,407,534 for the Amherst Elementary Schools.

Action taken on 5/5/2010.

At 10:13 p.m. on May 5, 2010, the meeting voted to adjourn to May 10, 2010 at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 179 town meeting members were checked in.



The May 10, 2010 session, adjourned from May 5, 2010, was called to order by the Town Moderator, Harrison Gregg, at 7:40 p.m. 122 town meeting members were checked in.

REGIONAL SCHOOLS

VOTED to approve the Amherst-Pelham Regional School District operating and capital budget of \$27,962,907 and to raise and appropriate \$13,112,795 as its share of that budget.

Action taken on 5/10/2010.

On a motion made by Stephanie O'Keeffe Town Meeting voted to bring Articles 15 and 16 forward for immediate consideration.

Ms. O'Keeffe made a motion to refer Articles 15 and 16 back to the Select Board for further consideration. The motion was seconded and carried.

WATER FUND

VOTED unanimously to appropriate \$3,791,975 for the Water Fund and that to meet such appropriation \$3,646,351 be made available from Water Fund revenues of the current year and \$145,624 be transferred from Water Fund Surplus.

Action taken on 5/10/2010.

SEWER FUND

VOTED unanimously to appropriate \$3,425,726 for the Sewer Fund and that to meet such appropriation \$3,176,809 be made available from Sewer Fund revenues of the current year and \$248,917 be transferred from Sewer Fund Surplus.

Action taken on 5/10/2010.

SOLID WASTE FUND

VOTED unanimously to appropriate \$532,274 for the Solid Waste Fund and that to meet such appropriation \$495,575 be made available from Solid Waste Fund revenues of the current year and \$36,699 be transferred from Solid Waste Fund Surplus.

Action taken on 5/10/2010.

TRANSPORTATION FUND

VOTED unanimously to appropriate \$874,051 for the Transportation Fund and that to meet such appropriation \$818,218 be made available from Transportation Fund revenues of the current year and \$55,833 be transferred from Transportation Fund Surplus.

Action taken on 5/10/2010.

ARTICLE 10. Reserve Fund (Finance Committee)

VOTED unanimously to raise and appropriate \$100,000 for the Reserve Fund for FY 2011.

Action taken on 5/10/2010.

ARTICLE 11. Capital Program – Chapter 90 (Joint Capital Planning Committee)

VOTED unanimously to authorize the sum of \$538,000 for the expenditure of Chapter 90 funds for qualifying purposes and further authorize the Treasurer to borrow in anticipation of reimbursement of these funds from the Commonwealth of Massachusetts.

Action taken on 5/10/2010.

ARTICLE 12. Capital Program – Equipment (Joint Capital Planning Committee)

VOTED to raise and appropriate \$865,300 to purchase, repair, and/or install new or replacement equipment, and to meet such appropriation, \$675,300 be raised by taxation, and \$190,000 be transferred from the Ambulance Receipts Reserved for Appropriation Account.

Action taken on 5/10/2010.

ARTICLE 13. Capital Program – Buildings & Facilities (Joint Capital Planning Committee)

VOTED unanimously to appropriate \$602,500 to repair and/or improve buildings and facilities, and to meet such appropriation, \$544,835 be raised by taxation, \$8,800 be transferred from Article 34H of the 2004 Annual Town Meeting (North Amherst School HVAC), \$18,695 be transferred from Article 34 of the 2006 Annual Town Meeting (East Street School Handicapped Access), \$15,000 be transferred from Article 31 of the 2007 Annual Town Meeting (East Street School), \$10,000 be transferred from Article 31 of the 2007 Annual Town Meeting (Marks Meadow HVAC Modifications), \$4,778 be transferred from Article 22K of the 2008 Annual Town Meeting (Actuarial Valuation), and \$392 be transferred from Article 16 of the 2009 Annual Town Meeting (East Street School Locks).

Action taken on 5/10/2010.

ARTICLE 14. Capital Program – Bond Authorization (Joint Capital Planning Committee)
VOTED by a declared two-thirds that the sum of \$180,000 be appropriated to pay costs of roof repairs and other extraordinary repairs to the South Amherst School building, including the payment of any and all costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow said sum under and pursuant to Chapter 44 of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor.
Action taken on 5/10/2010.

ARTICLE 15. Acceptance of Massachusetts General Laws chapter 43D (Select Board)
VOTED to refer Article 15 back to the Select Board. [To see if the Town will accept the provisions of Chapter 43D of the Massachusetts General Laws, as amended pursuant to Section 11 of Chapter 205 of the Acts of 2006, and to approve the filing of an application with the Interagency Permitting Board for designation as a Priority Development Site an area on Sunderland Road which includes the following properties: Assessors’ Map 1D-1, 2C-2, 2C-3, 2C-9, and 2C-30.]
Action taken on 5/10/2010.

ARTICLE 16. Patterson Property – Option Agreement (Select Board)
VOTED to refer Article 16 back to the Select Board. [To see if the Town will vote to authorize the Town Manager to enter into an option agreement with Bruce H. Patterson, Trustee of the Patterson Nominee Trust, and accept an option granting the Town and its assignees the right, to be exercised in the Town’s, or its assignee’s, sole discretion, to lease three (3) parcels of land on Montague Road and further described below, which option agreement shall be for a term not in excess of three (3) years and contain such other terms and conditions as the Town Manager deems in the best interest of the Town, and further to raise and appropriate, transfer from available funds, or borrow a sum of money for consideration to be paid for the option and any expenses related thereto, said parcels of land being a portion of the property described in a deed recorded with the Hampshire Registry of Deeds in Book 6217, Page 146, and described as follow:
 (a) a parcel identified by the Assessors as Lot 2C-3, containing 38.97 acres, more or less,
 (b) a parcel identified by the Assessors as Lot 2C-9, containing 21.5 acres, more or less, and
 (c) a parcel identified by the Assessors as Lot 2C-30 containing 0.165 acres;
excluding from said option the portions of the parcels shown as “Excluded” on a plan on file with the Town Clerk’s Office, entitled “Excluded Option Parcels.”]
Action taken on 5/10/2010.

ARTICLE 17. Community Preservation Act (Community Preservation Act Committee)

PART A.
1. VOTED unanimously to appropriate a sum of \$50,000 for Community Preservation Act Affordable Housing Purposes recommended by the Community Preservation Act Committee and that the following amounts (items 1) be appropriated from Community Preservation Act Fund Estimated Revenues:

	Project	Total Appropriation	Source of Appropriation
	AFFORDABLE HOUSING		
1	Habitat for Humanity	\$50,000	\$50,000 from CPA FY11 Estimated Revenues
	Total Affordable Housing	\$50,000	

Action taken on 5/10/2010.

2. VOTED to appropriate a sum of \$217,600 for Community Preservation Act Historic Preservation Purposes recommended by the Community Preservation Act Committee and that the following amounts (items 2 – 7) be appropriated from Community Preservation Act Fund Estimated Revenues:

	Project	Total Appropriation	Source of Appropriation
	HISTORIC PRESERVATION		
2	Amherst History Museum	\$45,000	\$45,000 from CPA FY11 Estimated Revenues
3	Jones Library Roof Restoration	\$40,000	\$40,000 from CPA FY11 Estimated Revenues
4	North Amherst Library Rehabilitation	\$12,000	\$12,000 from CPA FY11 Estimated Revenues
5	Jones Library HVAC Special Collections Climate Control	\$75,000	\$75,000 from CPA FY11 Estimated Revenues
6	Kimball House Historic Preservation 575 North East Street (Year 4 of 5)	\$25,600	\$25,600 from CPA FY11 Estimated Revenues
7	Archival Material Conservation & Restoration: Town Clerk – Special Collections Jones Library – Special Collections	\$20,000	\$20,000 from CPA FY11 Estimated Revenues

	Total Historic Preservation	\$217,600	
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Action taken on 5/10/2010.

At 10:10 p.m. on May 10, 2010, the meeting voted to adjourn to Monday, May 12, 2010 at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 165 town meeting members were checked in.



The May 12, 2010 session, adjourned from May 10, 2010, was called to order by the Town Moderator, Harrison Gregg, at 7:41 p.m. 122 town meeting members were checked in.

3. VOTED unanimously to appropriate a sum of \$15,000 for Community Preservation Act Open Space Purposes recommended by the Community Preservation Act Committee and that the following amounts (item 8) be appropriated from Community Preservation Act Fund Estimated Revenues:

	Project	Total Appropriation	Source of Appropriation
	OPEN SPACE		
8	Open Space Surveys and Appraisals	\$15,000	\$15,000 from CPA FY11 Estimated Revenues
	Total Open Space	\$15,000	

Action taken on 5/12/2010.

4. VOTED unanimously to appropriate a sum of \$1,500 for Community Preservation Act Administrative Purposes recommended by the Community Preservation Act Committee and that the following amounts (item 9) be appropriated from Community Preservation Act Fund Estimated Revenues:

	Project	Total Appropriation	Source of Appropriation
	ADMINISTRATIVE		
9	To Fund CPAC Administrative Expenses	\$1,500	\$1,500 from CPA FY11 Estimated Revenues
	Total Administrative	\$1,500	

Action taken on 5/12/2010.

PART B.

VOTED by a declared two-thirds to appropriate a sum of \$500,000 from CPA Funds for the purposes of Open Space, Recreation, and/or Community Housing for the purchase of the Hawthorne property (Map 11B, Parcel 54), and, to meet this appropriation, authorize the Town Treasurer, with the approval of the Select Board, to borrow \$500,000 pursuant to Chapter 44B, Section 11 of the General Laws or any other enabling authority, and issue bonds or notes of the Town therefor, including any and all costs incidental thereto; to authorize the Select Board, the Town Manager and/or other boards or officers to apply for and receive grants and/or other funds and to execute any and all instruments and agreements to effectuate said purchase; and, further, to authorize the Select Board to acquire said property by gift, purchase, or eminent domain and to accept and/or convey restrictions on said property, all in accordance with Chapter 44B and Chapter 184 of the General Laws.

Action taken on 5/12/2010.

PART C.

VOTED unanimously to appropriate a sum of \$350,000 for the purpose of preserving and/or supporting community housing, as recommended by the Community Preservation Act Committee, which funds are to be granted to the Amherst Housing Authority for the aforementioned purposes, including, without limitation, to pay the cost of capital improvements to 22 units of low income housing under the care and custody of the Amherst Housing Authority, and any and all costs incidental and related thereto; and to meet that appropriation, authorize the Town Treasurer, with the approval of the Select Board, to borrow \$350,000 under and pursuant to Chapter 44B, Section 11 of the General Laws or any other enabling authority, and to issue bonds or notes of the Town therefor.

Action taken on 5/12/2010.

PART D.

VOTED unanimously to appropriate a sum of \$18,000 from Community Preservation Act Fund Estimated Revenues for open space purposes recommended by the Community Preservation Act Committee for the purchase of land in North Amherst (Map 4B, Parcel 14) and to: 1) authorize the

Select Board to acquire by gift or negotiated purchase the fee interest in said parcel to be managed and controlled by the Amherst Conservation Commission in accordance with M.G.L. c. 40, § 8C for conservation and passive recreation purposes which parcel is located on Meadow Street and contains a total of 7.79 acres, more or less, all as shown on a plan entitled “Meadow Street Conservation Land Plan,” and 2) authorize the Select Board, the Town Manager, and/or the Conservation Commission, as they deem appropriate, to enter into all agreements and execute any and all instruments, including the conveyance of a perpetual conservation restriction on the parcel in accordance with M.G.L. c. 184 as required by Section 12(a) of M.G.L. c. 44B, as may be necessary on behalf of the Town to effectuate said purchase.

Action taken on 5/12/2010.

James W. Pistrang was elected Moderator pro tem and having been sworn to the faithful performance of his duties served for the duration of Article 18.

ARTICLE 18. Olympia Drive – Disposition of Property

(Housing Partnership/Fair Housing Committee)

VOTED unanimously to authorize the Select Board to convey or lease, for term not in excess of ninety-nine (99) years, a certain parcel of land located on Olympia Drive, which parcel contains 13 acres, more or less, and is a portion of the parcel identified on Assessors Map 8D as Parcel 20 and the land described in the Order of Taking recorded in the Hampshire Registry of Deeds in Book 3018, Page 309, together with any easements appurtenant thereto, for affordable housing purposes on such terms and conditions as the Select Board deems appropriate, provided such conveyance or lease shall be subject to an affordable housing restriction requiring at least 25% of the units constructed on said parcel be sold or rented to low and/or moderate income individuals or households, and further to authorize the Select Board to accept such affordable housing restriction and sign any instruments to effectuate the forgoing; or take any other action relative thereto.

Action taken on 5/12/2010.

Harrison Gregg resumed his duties as Moderator.

ARTICLE 19. Petition – Hire Energy Facilitation Outreach Worker (Collins)

DEFEATED [Whereas: the elderly, poor and disabled are being forced out of their homes by high heating bills in the town of Amherst.

Be it resolved: that Amherst Town Meeting raise and appropriate \$55,000 for the purpose of hiring an energy facilitation outreach worker to help bring energy incentives to Amherst residents and businesses in order to reduce long term energy costs and make Amherst more affordable.]

Action taken on 5/12/2010.

ARTICLE 20. Free Cash (Finance Committee)

DISMISSED Yes 90, No 62 [To see if the Town will appropriate and transfer a sum of money from Free Cash in the Undesignated Fund Balance of the General Fund to balance the 2011 Fiscal Year Budget.]

Action taken on 5/12/2010.

ARTICLE 21. Stabilization Fund (Finance Committee)

DISMISSED [To see if the Town will appropriate and transfer a sum of money from the Stabilization Fund to balance the Fiscal Year 2011 Budget.]

Action taken on 5/12/2010.

ARTICLE 22. Accept Massachusetts General Laws Chapter 40U, Collection of Unpaid Municipal Fines (Select Board)

VOTED unanimously to refer back to the Select Board. *[To see if the Town will vote to accept Massachusetts General Laws Chapter 40U, An Act Relative to the Collection of Unpaid Municipal Fines.]*

Action taken on 5/12/2010.

ARTICLE 23. Zoning Amendment – Master Plan Compliance (Planning Board)

VOTED by a declared two-thirds to amend Article 1, and Sections 10.38, 11.1, and 11.24, by deleting the ~~lined out~~ language and adding the language in ***bold italics***, as follows:

A. Amend Article 1, Purpose, by adding the language shown:

ARTICLE 1 PURPOSE

This Zoning Bylaw is enacted pursuant to, and under the authority of, Chapter 40A of the General Laws as amended, for the purpose of promoting the health, safety, convenience and general welfare of the inhabitants of the Town of Amherst, ***and to encourage the most appropriate use of land throughout Amherst. This Zoning Bylaw is in accordance with the recommendations of the Master Plan adopted by the Planning Board and is consistent with the comprehensive plan of the regional planning agency.***

B. Amend Section 10.38, Specific Findings Required, by adding the language shown:

10.398 The proposal is in harmony with the general purpose and intent of this Bylaw, *and the goals of the Master Plan.*

C. Amend Section 11.1, Execution, by deleting and adding the language, as shown:

SECTION 11.1 EXECUTION

The Building Commissioner shall enforce the provisions of this Bylaw as hereinafter provided. No building shall be constructed, altered, moved, or changed in use in the Town without a permit from the Commissioner. Such permit shall be withheld unless such construction, alteration or proposed use is in conformity with all provisions of this Bylaw. Where a ~~Special Permit from the Board of Appeals or Site Plan Review approval~~ is required (pursuant to the provisions of this Bylaw), or where an appeal or petition involving a variance is pending, the Building Commissioner shall issue no such permit except in accordance with *the* written decision of ~~said~~ *the appropriate* Board.

D. Amend Section 11.24, Review Criteria/Guidelines, by adding the language shown:

11.2400 Conformance with all appropriate provisions of the Zoning Bylaw *and the goals of the Master Plan.*

Action taken on 5/12/2010.

ARTICLE 24. Zoning Amendment – Non-Profit Uses (Planning Board)

VOTED by a declared two-thirds to amend Section 3.330 of the Zoning Bylaw, by deleting the ~~lined-out~~ language, adding the language in *bold italics*, and reorganizing it as follows:

3.330 *Non-profit Uses*

3.330.0 Non-profit educational institution, including any educational use on land owned or leased by the Commonwealth or any of its agencies, subdivisions, or bodies politic, or by a religious sect or denomination.

Standards & Conditions

See Sections ~~2.22~~ **2.04** and 3.21.

R-O

<u>R-LD</u>	<u>R-N</u>	<u>R-VC</u>	<u>R-G</u>	<u>R-F</u>	<u>B-G</u>	<u>B-L</u>	<u>B-VC</u>	<u>B-N</u>	<u>COM</u>	<u>OP</u>	<u>LI</u>	<u>PRP</u>	<u>FPC</u>
SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR	SPR

3.330.1 *Non-profit human service use.*

Standards & Conditions

Uses under this section may include administrative offices and human service facilities providing services directly to members of the community on or from the premises, including facilities used as staging areas for off-site service delivery and facilities reasonably necessary for the safe, secure, and appropriate operation of the use.

A use under this section may offer a wide range of services on or from the premises, including but not limited to, counseling and therapy, training for employment and other life skills, distribution of food and clothing, provision of meals, and/or restrooms/shower facilities.

Other uses, such as retail sales, health services, personal care services, or similar uses, may be permitted, but shall be operated in a manner and during such limited hours as to render them clearly accessory and incidental to the principal non-profit human service use.

Non-profit human service uses involving overnight shelter or other residential activity shall be regulated under Section 3.336.1.

R-O

<u>R-LD</u>	<u>R-N</u>	<u>R-VC</u>	<u>R-G</u>	<u>R-F</u>	<u>B-G</u>	<u>B-L</u>	<u>B-VC</u>	<u>B-N</u>	<u>COM</u>	<u>OP</u>	<u>LI</u>	<u>PRP</u>	<u>FPC</u>
<i>SP</i>	<i>SP</i>	<i>SP</i>	<i>SP</i>	<i>SP</i>	<i>SPR</i>	<i>SPR</i>	<i>SPR</i>	<i>SP</i>	<i>SPR</i>	<i>SPR</i>	<i>SPR</i>	<i>SP</i>	<i>SP</i>

Action taken on 5/12/2010.

At 10:11 p.m. on Wednesday, May 12, 2010, the meeting voted to adjourn to Monday, May 17, 2010 at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 168 town meeting members were checked in.



The May 17, 2010 session, adjourned from May 12, 2010, was called to order by the Town Moderator, Harrison Gregg, at 7:41 p.m. 122 town meeting members were checked in.

The Moderator asked for town meeting members to rise for a moment of silence to remember John Roberts who passed away on Monday, May 16, 2010.

ARTICLE 25. Zoning Amendment – University Drive Rezoning (Planning Board)

DEFEATED Yes 79, No 85 [To see if the Town will vote to amend the Official Zoning Map to change the zoning designation of Map 13B, Parcel 33, from Office Park (OP) to Limited Business (B-L)]
Action taken on 5/17/2010.

ARTICLE 26. Petition – Zoning Amendment – Four Unrelated Persons Definition (Melick)

VOTED to refer Article 26 to the Planning Board and Board of Health. [To see if the Town will amend Section 12.142 of the Zoning Bylaw by deleting the ~~lined-out~~ language:

12.142 A group of unrelated individuals, ~~not to exceed 4~~, residing cooperatively in one dwelling unit.
 In this instance, an accessory use as described in Sections 5.010 and 5.011 is not permitted.]

Action taken on 5/17/2010.

ARTICLE 27. Charge Amendment-Public Transportation and Bicycle Committee (Select Board)

VOTED to amend the charge of the Public Transportation & Bicycle Committee, by replacing the entire current charge with the following language:

Name: PUBLIC TRANSPORTATION & BICYCLE COMMITTEE

Appointing authority: Select Board

Type: Committee

Town Bylaw: no

Number of voting members: 9

Member appointment: 3 yrs

Voting members to include (where possible): One member to represent the perspective of handicapped citizens and two members to represent the town’s cyclists. Otherwise a spread of geographical areas in town is desirable.

Non-voting liaison:

Committee charge summary:

The Committee advises the Select Board and the Town Meeting on policy concerning transportation, pedestrian and bicycle issues. Its explicit purposes include:

- 1) reviewing all proposals concerning public transportation safety,
- 2) advising the Select Board and the town’s representative to the Pioneer Valley Transit Authority,
- 3) reporting to Town Meeting on any article that concerns public transportation,
- 4) reviewing Town bylaws and other laws that affect bicycling and making recommendations regarding these laws and their enforcement,
- 5) fostering public awareness of the rules for safe bicycling,
- 6) reviewing plans for subdivision or development of land, and construction or reconstruction of sidewalks, roads, and intersections within the Town,
- 7) advocating and promoting alternatives to private automobile ownership and use,
- 8) recommending designation and development of commuter and recreational routes for bicycle and for pedestrians, as well as parking facilities for bicycles within the town,
- 9) advising on transportation safety and accessibility for persons with disabilities.

This Committee was established by vote of the Annual Town Meeting of April 1995. (The initial Public Transportation Committee was established by a vote of the 1975 Annual Town Meeting.)
Action taken on 5/17/2010.

[A motion to refer this article back to the Select Board and Public Transportation and Bicycle Committee was defeated.]

ARTICLE 28. General Bylaw Amendment – Open Containers (Select Board)

VOTED to amend the General Bylaws, Article II, General Regulations, Conduct in or on Public Ways and Places, #7, Open Containers of Alcohol, by deleting the words “not more than \$50.00” in the second paragraph, and inserting in their place “\$300”.

Action taken on 5/17/2010.

[A motion was made to replace "\$300" with "\$150". In accordance with Section 7 of the Rules of Order for Town Meeting, town meeting voted on the higher amount first. The amendment failed by default.]

ARTICLE 29. General Bylaw Amendment – Unlawful Noise (Select Board)

VOTED to amend the General Bylaws, Article II, General Regulations, Prohibitions, #3, Unlawful Noise, by deleting the first three sentences of Section 3. Penalties: “The first violation of this By-Law shall be punished by a fine of not less than one hundred dollars (\$100.00). The second violation of this by-law within 12 months after the first violation shall be punished by a fine of not less than two hundred dollars (\$200.00). Further violations within 12 months after the last violation shall be punished by a fine of three hundred dollars (\$300.00)”, and inserting in their place the following sentence: “Any person who violates this by-law shall be punished by a fine of \$300 for each violation.”

Action taken on 5/17/2010.

[A motion was made to replace "\$300 for each violation" with "\$150 for the first violation and \$300 for further violations within 12 months of the last violation". In accordance with Section 7 of the Rules of Order for Town Meeting, town meeting voted on the higher amount first. The amendment failed by default.]

Town Meeting voted to continue with Article 30 in accordance with Section 13 of the Rules of Order for Town Meeting.

ARTICLE 30. General Bylaw Amendment – Keg Licensing (Select Board)

VOTED Yes 94, No 35 to amend the General Bylaws, Article II, General Regulations, Prohibitions, #6, Keg Licensing, by deleting the words “\$200 for a first offense and \$300 for a second or subsequent offense” in Section 6. Penalties, and inserting in their place “\$300 for each violation.”

Action taken on 5/17/2010.

ARTICLE 31. Authorize the Select Board to Accept Right of Way on University Drive (Select Board)

VOTED unanimously to authorize the Select Board to acquire, by gift, purchase or eminent domain, the fee in parcels of land from the owners described below:

To acquire from Amherst Shopping Center Association LLC the fee in a parcel or parcels of land and related easements, all as shown on the plans entitled “Reconstruction and related work on University Drive,” prepared by Stantec Engineering, dated April 1, 2010 which are on file with the office of the Town Clerk.

Action taken on 5/17/2010.

The business of the warrant having been completed, the meeting voted to dissolve at 10:22 p.m. on Monday, May 17, 2010. 177 town meeting members were checked in.

Attest:

Sandra J. Burgess

Town Clerk